

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA**

IN RE: Bard IVC Filters Products Liability
Litigation

PAMELA NOTERMAN

Plaintiff,

v.

C.R. BARD, INC., a New Jersey
Corporation, and BARD PERIPHERAL
VASCULAR INC.,(a subsidiary and/or
Division of Defendant C.R. BARD, INC.)
an Arizona corporation

Defendants.

MDL 15-02641-PHX DGC

Docket No. 2:15-cv-01714

Judge David G. Campbell

NOTICE OF MOTION FOR LEAVE TO AMEND COMPLAINT

PLEASE TAKE NOTICE, that upon the annexed affirmation of Matthew J. McCauley, duly affirmed April 4, 2016, together with the exhibits annexed thereto, and upon all the pleadings and proceedings heretofore had herein, the undersigned will move before the United States District Court for the District of Arizona for an Order:

1. PURSUANT to Federal Rule of Civil Procedure 15(2), Plaintiff respectfully seeks leave from this Court to amend the original complaint in the above- captioned case herein to substitute and add husband of plaintiff-decedent Pam W. Noterman, John Noterman as Personal Representative of the Estate of Pam W. Noterman, in place of and stead of Pamela Noterman and amending all papers, pleadings, proceedings, and the caption, the above-entitled action accordingly, and

2. For such other and further relief as to this Court seems just and proper.

Respectfully submitted,

Dated: April 4, 2016

By: /s/Matthew J. McCauley

Matthew J. McCauley
PARKER WAICHMAN LLP
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**AFFIRMATION IN SUPPORT OF MOTION FOR LEAVE TO FILE FIRST
AMENDED SHORT FORM COMPLAINT**

MATTHEW J. MCCAULEY, ESQ., certify as follows:

1. I am an associate of Parker Waichman LLP, attorneys for plaintiff in the above entitled action and am such as fully familiar with the facts and circumstances stated herein.
3. I make this affirmation in support of plaintiff's motion for an Order, pursuant to Federal Rule of Civil Procedure 15(2), amending the original complaint in the above-captioned case herein to substitute and add husband of plaintiff-decedent Pam W. Noterman, John Noterman as Personal Representative of the Estate of Pam W. Noterman, in place of and stead of Pamela Noterman and amending all papers,

- pleadings, proceedings, and the caption, the above-entitled action accordingly, and for such other and further relief as to this Court seems just and proper.
2. The instant action herein was brought on behalf of plaintiff-decedent Pam W. Noterman, who underwent a surgical procedure to have defendants' G2X Filter implanted. Subsequently, was caused to suffer severe and permanent personal injuries and economic and other damages.
 3. In an abundance of caution to protect plaintiffs' Statute of Limitations, an action was commenced on or about February 13th, 2015, by the filing of a Complaint for Damages and Demand for Jury Trial with the Circuit Court of the Twelfth Judicial Circuit in and for Sarasota County, Florida against defendants C.R. BARD INC., and BARD PERIPHERAL VASCULAR INC., (Copies of the Complaint for Damages and Demand for Jury Trial are annexed hereto as **Exhibit "A"**).
 4. Thereafter, Parker Waichman LLP was notified that plaintiff-decedent died on May 6, 2014.
 5. Plaintiff should be allowed to amend the original complaint in the above-captioned case herein to substitute and add husband of plaintiff-decedent Pam W. Noterman, John Noterman as Personal Representative of the Estate of Pam W. Noterman, in place of and stead of Pamela Noterman.
 6. On March 28, 2016, The Circuit Court for Sarasota County, Florida Probate Division issued Letters of Administration to John Noterman, husband of decedent, Pam W. Noterman appointing him Personal Representative of the Estate of Pam W. Noterman. A copy of the Letters is annexed hereto as **Exhibit "B"**.

7. Plaintiff makes this Motion seeking an Order permitting the substitution of the husband of plaintiff-decedent Pam W. Noterman, John Noterman, as Personal Representative of the Estate of Pam W. Noterman, in place and stead of Pamela Noterman, and amending all papers, pleadings proceedings, and the caption. Attached hereto is **Exhibit “C”** wherein Plaintiff has indicated all changes to the Amended Complaint by underlining additional text and striking through all text to be deleted.
8. No previous application for the relief sought herein has ever been made to this or any other Court.

WHEREFORE, it is respectfully requested that an Order be entered, pursuant to Federal Rule of Civil Procedure 15(2), amending the complaint herein to reflect John Noterman, as Personal Representative of the Estate of Pam W. Noterman, and for such other and further relief as to this Court seems just and proper.

Respectfully submitted,

Dated: April 4, 2016

By: /s/Matthew J. McCauley
Matthew J. McCauley
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